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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Trinidad and Tobago

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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1. The Government of the Republic of Trinidad and Tobago (GOTT) presents the responses to outcomes of the Universal Periodic Review, second cycle on Trinidad and Tobago conducted on the 10th of May 2016.

I. Recommendations 108.1 to 108.24 – Noted

2. The following general recommendation represents a summary of recommendations received in relation to the ratification and implementation of all core Universal Human Rights treaties and conventions. The GOTT undertook to examine with a view to signing, ratifying and implementing as applicable, the following human rights instruments:

- The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- The United Nations Convention Against Torture, and Other Cruel, Inhumane or Degrading Treatment (CAT);
- The Optional Protocol to the United Nations Convention Against Torture, and Other Cruel, Inhumane or Degrading Treatment (OP-CAT);
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, (ICRMW);
- The International Convention for the Protection of all Persons from Enforced Disappearance (CED);
- The Optional Protocols to the Convention on the Rights of the Child (OPs-CRC).

3. At this time the GOTT is unable to accept the recommendations to sign, ratify and implement the CAT or the Optional Protocol to the United Nations Convention Against Torture, and Other Cruel, Inhumane or Degrading Treatment. Becoming a party to these international legal instruments will require significant domestic legislative changes in Trinidad and Tobago because some of its provisions conflict materially with existing legislation. A decision to become a party to these instruments would, therefore, require national dialogue, public consultation and consensus as a precursor in order to permit the adoption of the policy contained in this instrument.

4. The issues surrounding the rights of migrant workers have become more prevalent in Trinidad and Tobago and as such the ICRMW has engaged the attention of the GOTT.

5. While Trinidad and Tobago is not significantly confronted by the human rights issues of enforced disappearance dealt with under CED, consideration is still being given to acceding to this core piece of international human rights protection law.

6. With regard to the Optional Protocol to the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, definitive steps have been taken to address the relevant issues under the OP within domestic legislation such as the ***Trafficking in Persons Act, 2011*** and the ***Children Act, 2012***.

II. Recommendations 108.26 to 108.32 – Accepted

7. Trinidad and Tobago does not have a National Human Rights Institution that is accredited under the Paris principles. In 2011, Trinidad and Tobago hosted a regional workshop on National Human Rights institutions in conjunction with the United Nations Office of the High Commissioner for Human Rights (OHCHR) and the Commonwealth Secretariat.

III. Recommendations 108.33 to 108.35 – Noted

8. The Government of Trinidad and Tobago acknowledges the work of the Special Procedures of the Human Rights Council and invitations to Human Rights Special Procedures and seeking technical expertise via the Special Procedure Mechanism of the Human Rights Council would be a matter for consideration in the future.

IV. Recommendations 108.36 to 108.50 and 108.64 – Noted

9. The Government of Trinidad and Tobago ultimately seeks to recognise the human rights of all citizens, which includes the Lesbian, Gay, Bi-Sexual, Transgendered and Intersexed (LGBTI) community. The development of law is a dynamic process which adapts to the development of any given society. The issue of discrimination based on sexual orientation is one which remains a matter of concern in the forefront of the mind of the GOTT. Trinidad and Tobago is seen as a leader in the region in relation to the manner in which it addresses the changing needs of its population.

10. The HIV/AIDS high risk groups including the LGBTI community have been recognized in the National Workplace Policy on HIV/AIDS. This policy contributes to ongoing national efforts to decrease the spread of HIV/AIDS and to mitigate its impact. It does so by setting standards for managing HIV in the workplace and promoting structures and programmes to reduce discrimination.

11. With regard to cases of violence against a member of the LGBTI community, Section 4 of the Constitution enshrines fundamental human rights and freedoms, namely, the right of the individual to life, liberty and security of the person. Every person has the right to equality before and protection of the law. A person also has the right to respect for his private and family life. The exercise of these rights is guaranteed free from discrimination based on race, origin, colour or sex.

12. With particular reference to violence against the LGBTI community, the definition of rape in the ***Sexual Offences Act, 1986*** was amended by Act 31 of 2000 to reflect a gender neutral position with regard to the complainant and the victim. This amendment serves to include protection for victims of violence in same sex relationships.

V. Recommendation 108.52 – Accepted

13. The Police Complaints Authority (PCA) is critical in dealing with the issue of torture and excessive use of force by police officers. The PCA is an independent and impartial body overseeing complaints against police officers and municipal and special reserve police officers in Trinidad and Tobago. It was established in response to an urgent need for appropriate machinery to be set up to address numerous complaints made by members of the public about the conduct of police officers in the exercise of their duties. Its functions include: receiving complaints on the conduct of any police officer; monitoring the investigation of the complaint so as to ensure that the investigation is conducted impartially; reporting to the Minister; and reviewing reports from the Police Complaints Division.

VI. Recommendations 108.53 to 108.59 – Noted

14. Trinidad and Tobago received various recommendations in relation to raising the age in the definition of a "child" in domestic legislation and further raising and unifying the

age of consent to marriage in Trinidad and Tobago's various Marriage Acts, as well as making said age of consent the same for males and females.

15. Under the ***Children Act, 2012*** the "age of a child" is raised to the internationally accepted standard of 18 years. This however, does not affect the age of consent in relation to marriage in domestic legislation, which is an ongoing issue of debate for Trinidad and Tobago. The GOTT has recognized that this is a specific human rights issue which must be addressed in Trinidad and Tobago. In an effort to bring domestic legislation in line with international standards and taking into account the multi-ethnic diversity which exists in Trinidad and Tobago's population, there are currently nationwide public consultations being conducted in relation to this issue.

VII. Recommendations 108.60 and 108.61 – Noted

16. Trinidad and Tobago received various recommendations in relation to the prohibition of corporal punishment against children in schools, all other settings and its criminalization.

17. In relation to the issue of corporal punishment, it has traditionally been accepted as a legitimate form of discipline for youngsters in the Caribbean and mainly inherited as a result of traditional lifestyles from the vast diaspora which constitutes the social and historical composition of most Caribbean countries.

VIII. Recommendations 108.65 to 108.67 – Noted

18. The Government of Trinidad and Tobago gives consideration to the recommendation to strengthen the protection safeguards, in particular the control mechanisms that allow the detection of cases of migrants with special needs for international protection.

19. In relation to the protection of the rights of migrants in general, the GOTT via the Ministry of National Security has implemented a national policy on refugees and asylum seekers. The Ministry of Health has also undertaken an initiative to develop a policy and a national programme which seeks to ensure that the migrant population as a vulnerable group has proper and easy access to HIV/AIDS treatment.

IX. Recommendations 108.25, 108.51 and 108.62

20. There is no response to **Recommendation 108.25** as no such Bill ever existed.

21. **Recommendation 108.51** relates to the implementation of the death penalty and until the existing law is reviewed, there is no comment on this issue. The recommendation is noted.

22. **Recommendation 108.62** is noted.

23. There is currently no status on **Recommendation 108.63** and as such the GOTT notes the recommendation.